

Application No. 10/701,990
Response to Restriction Requirement of 9/25/2006

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Docket No. ~~4572005200~~
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REMARKS

The Examiner has required restriction between the following groups:

RESTRICTION REQUIREMENT

Group I - Claims 1-32, 34-35 and 37-43, drawn to a method of detecting ^2H incorporation into water to determine sugar or fatty acid metabolism;

Group II - Claim 33, drawn to a method invoking DERIVED METHOD to screen a drug;

Group III - Claim 36, drawn to a method invoking DERIVED METHOD to diagnose insulin resistance or diabetes,

Group IV - Claims 44-48, 50 and 61-64, drawn to products comprising sugar,

Group V - Claim 49, drawn to a drug,

Group VI - Claim 59, drawn to a perturbed agent,

Group VII - Claim 52-58, drawn to a device,

Group VIII - Claims 50 and 60, drawn to products comprising fatty acid,

Group IX - Claims 65-66, drawn to water.

SPECIES ELECTION REQUIREMENTS

The Examiner has required election to one species of analyte from Group A; one species of examination from Group B, and one species of sample from Group C (see Paper No./Mail Date 20060711 at pages 6-7).

Applicant respectfully traverses the restriction requirement on the grounds that a search of all Groups would not present an undue burden on the Office. Applicant also respectfully

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traverses the election requirements on the grounds that a search of all the species of analyte, examination, and sample would not present an undue burden on the Office.

In the event the instant Restriction and Election requirements are maintained, Applicant hereby provisionally elects the following:

Restriction Requirement: Group I, claims 1-32, 34-35, and 37-43, drawn to a method of detecting ^2H incorporation into water to determine sugar or fatty acid metabolism;

Election of analyte from Group A: ^2H -labelled glucose (claims 1, 13-17, and 29);

Election of examination from Group B: insulin resistance diagnostic (claims 1 and 36-37);

Election of sample from Group C: blood (claim 9)

Applicant acknowledges and thanks the Examiner for recognition of claims 1, 33, 44, 50, and 60 as generic. In the event the election requirements are maintained, Applicant understands that should a generic claim or claims be allowed, Applicant will be entitled to consideration of claims to additional species which depend from the allowable generic claim or claims, as provided by 37 CFR 1.141.

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CONCLUSION

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing (416272005200).

However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 25, 2006

Respectfully submitted,

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